

PUBLIC SERVICE COMMISSION OF WISCONSIN

Minutes and Informal Instructions of the Open Meeting of
Thursday, April 30, 2009

The Public Service Commission of Wisconsin (Commission) met as noticed. Present were Chairperson Callisto, Commissioner Meyer, and Commissioner Azar.

Minutes

The Commission approved the minutes of the Open Meeting of Thursday, April 23, 2009.

5-UR-104 – Joint Application of Wisconsin Electric Power Company and Wisconsin Gas LLC, both d/b/a We Energies, for Wisconsin Electric Power Company to Increase its Electric, Natural Gas and Steam Rates and for Wisconsin Gas LLC to Increase its Natural Gas Rates

The Commission approved the Notice of Proceeding and directed it be signed by the Secretary to the Commission on behalf of the Commission.

3270-DU-103 – Application of Madison Gas and Electric Company, as a Gas and Electric Public Utility, for Certification of Depreciation Rates

The Commission approved the Notice of Investigation and directed it be signed by the Secretary to the Commission on behalf of the Commission.

6700-CE-110 – Application of the City of Wisconsin Rapids, as an Electric Public Utility, for Authority to Replace its Existing Peach Street Substation, Located in the City of Wisconsin Rapids, Wood County, Wisconsin

The Commission approved the Notice of Investigation and directed it be signed by the Secretary to the Commission on behalf of the Commission.

190-CW-110 – Application of Appleton Water Department, Outagamie, Calumet, and Winnebago Counties, to Construct Pressure Reducing Valve Station No. 1

The Commission approved the Notice of Investigation and directed it be signed by the Secretary to the Commission on behalf of the Commission.

860-WR-107 – Application of the Butler Public Water Utility, Waukesha County, Wisconsin, for Authority to Increase Water Rates

The Commission approved the Notice of Proceeding and Telephonic Hearing and directed it be signed by the Secretary to the Commission on behalf of the Commission.

1125-RW-149 – Tolls to be Charged by the Chippewa and Flambeau Improvement Company for the Six-Month Period Ending December 31, 2008

The Commission approved the Notice of Investigation and directed it be signed by the Secretary to the Commission on behalf of the Commission.

2660-CW-101 – Application of Independence Municipal Water Utility, Trempealeau County, Wisconsin, to Construct Well No. 3, Pump House and Connecting Water Main

The Commission approved the Notice of Investigation and directed it be signed by the Secretary to the Commission on behalf of the Commission.

5-AE-178 – Application of Wisconsin Power and Light Company and American Transmission Company LLC for Approval of a Brodhead-South Monroe Facility Relocation and Modification Agreement as an Affiliated Interest Agreement

The Commission modified and approved the Final Decision and directed it be signed by the Secretary to the Commission on behalf of the Commission.

137-AE-108 – Application of American Transmission Company LLC and Upper Peninsula Power Company for Approval of the Ontonagon Substation Joint Use Affiliated Interest Agreement

The Commission modified and approved the Final Decision and directed it be signed by the Secretary to the Commission on behalf of the Commission.

137-AE-109 – Application of American Transmission Company LLC and Upper Peninsula Power Company for Approval of the Keweenaw Peninsula Capacitor Installation Affiliated Interest Agreement

The Commission modified and approved the Final Decision and directed it be signed by the Secretary to the Commission on behalf of the Commission.

4220-GF-114 – Request by Northern States Power Company-Wisconsin for Deferred Accounting Treatment for Costs Associated with Reinstatement of the Clean Air Interstate Rules

The Commission approved the request filed on behalf of Northern States Power Company-Wisconsin (NSPW) to record the costs associated with the U.S. Environmental Protection Agency's reinstated Clean Air Interstate Rules as a deferral until they can be reviewed in the utility's next rate proceeding, on the basis that the costs are unusual and infrequently occurring. NSPW will be allowed to record carrying costs at the company's authorized short-term debt rate.

The Commission directed Gas and Energy Division staff to draft a letter to the utility reflecting its decision.

6720-DR-101 – Petition of AT&T Wisconsin for Declaratory Ruling that its “U-verse Voice” Service is Subject to Exclusive Federal Jurisdiction

Interlocutory Review of the Administrative Law Judge’s April 10, 2009, Order Regarding Nsight’s Motion to File a Supplemental Amicus Curiae Brief

The Commission granted review and reversal of the Order issued by the Administrative Law Judge, dated April 10, 2009.

The Commission accepted the Supplemental Amicus Brief filed on behalf of Northeast Telephone Company, LLC; Bayland Telephone, Inc.; and Net LEC, LLC (Nsight).

The Commission directed that AT&T Wisconsin may file a response to Nsight’s Supplemental Amicus Brief by May 8, 2009. AT&T’s response shall be limited to 10 pages.

The Commission directed that no briefs will be allowed by the other amici in this docket.

Commissioner Azar dissented.

The Commission directed the Telecommunications Division to draft an order consistent with its discussion.

6630-116725 – Request for Reconsideration of the Commission’s March 5, 2009, Decision Not to Review Staff’s Determination that Ms. Candice Luebke’s Complaint Against Wisconsin Electric Power Company (We Energies) is Without Merit

The Commission denied Ms. Candice Luebke’s request that it reconsider its decision not to conduct a formal review of her complaint against Wisconsin Electric Power Company.

The Commission directed the Division of Water, Compliance and Consumer Affairs to draft an order consistent with its discussion. The order shall also include a clarification of its original decision in this docket.

6690-107187 – Complaint Filed by Richard Wirrer Against Wisconsin Public Service Corporation

Supplemental Memorandum to Commission Agenda Memorandum Dated January 30, 2009

Supplemental Memorandum on Records Retention and on AMR and Backbilling Issues

The Commission determined that Mr. Wirrer's request for a formal review of his complaint against Wisconsin Public Service Corporation (WPSC), related to Mr. Wirrer's claim that the utility failed to obtain an actual meter reading when he went on service on May 31, 2005, causing the resultant back bill for service to be inaccurate, is without merit.

The Commission directed that WPSC shall work with Mr. Wirrer to determine a flexible repayment schedule.

The Commission directed staff to meet with WPSC in regard to its backbilling issues and recordkeeping systems for automated meter readers. Commission staff shall report back to the Commission regarding these discussions.

The Commission directed the Division of Water, Compliance and Consumer Affairs to draft an order consistent with its discussion.

6630-FR-101 – Fuel Rules Proceeding to Adjust Wisconsin Electric Power Company's Electric Rates Originally Set in Docket 5-UR-103

The Commission approved the request filed on behalf of Wisconsin Electric Power Company (WEPCO) to reopen docket 6630-FR-101 and reduce current fuel charges, resulting in a \$67.2 million reduction in electric revenues. WEPCO's electric rates are subject to refund with interest at 10.75 percent, pending the final decision in this reopening.

The Commission directed the Gas and Energy Division to draft an order consistent with its discussion.

The Commission adjourned the meeting at 11:16 a.m.